

## REMARKS/ARGUMENTS

Claims 1-54 are in the case.

The Applicants have studied the office action dated August 11, 2006 and have made the changes believed appropriate to place the application in condition for allowance. Reconsideration and reexamination are respectfully requested.

Claims 50 and 53 have been amended to correct inadvertent typographical errors. More specifically, an erroneous period has been removed from each claim. It is respectfully submitted that the amendments are made to clarify recited features and do not narrow the scope of the claimed inventions.

The Examiner has rejected the claims as anticipated (§102(e)) by US Pat. No. 6,754,773 to Ulrich. This rejection is respectfully traversed.

Claim 1, for example, is directed to a “data management method, comprising: receiving multiple user files from at least one client station coupled to a data storage subsystem; storing at least some of the multiple user files in a retrieval storage pool at a first location in the data storage subsystem; creating a managed file comprising an aggregation of at least some of the multiple user files; applying first predetermined criteria to a user file stored in the retrieval storage pool to designate the user file in the retrieval storage pool as one of a higher priority and a lower priority; and deleting from said retrieval storage pool a user file designated as lower priority.” It is the Examiner’s position that the recited “creating a managed file comprising an aggregation of at least some of the user files” is met by creation of a “Refresh Node” of the Ulrich reference cited by the Examiner. The applicants respectfully disagree.

The Ulrich reference makes clear that a “Refresh Node” of the Examiner’s citation is merely a set of fields (Ulrich, col. 33, lines 1 et seq.). The fields of the Refresh Node are not “user files” which are received “from at least one client station coupled to a data storage subsystem” as required by claim 1. Instead, the Refresh node fields are fields of data created for each client that registers a “lock or share.” (Ulrich, col. 32, lines 58 et seq.) The Examiner has cited no portion of the Ulrich reference which indicates that a Refresh node field was utilized as a user file at a client station. Thus, it is clear that the fields of the Refresh Node cannot be considered to be an “aggregation of at least some of the user files” which are received “from at least one client station coupled to a data storage subsystem” as required by claim 1.

The Examiner has also cited claim 27 of the Ulrich reference which recites “a distributed file system that aggregates files across a plurality of servers ... .” However, the Ulrich reference makes clear the distributed files system cited by the Examiner “allows the integration of multiple servers so that the aggregation of servers appears to a client as a single storage device.” Ulrich, col. 11, lines 53 et seq. It is respectfully submitted that servers aggregated to appear as a single storage device (storing individual files), are clearly not a “managed file” as that term is used in the present specification. The Examiner has cited no portion of the Ulrich reference which in any manner teaches or suggests “creating a managed file comprising an aggregation of at least some of the multiple user files” which are received “from at least one client station coupled to a data storage subsystem” as required by claim 1.

The Examiner has also cited a “G-group” which is described in the Ulrich reference as a “set of contiguous Gees 2538 that all relate to a single file.” However, the Ulrich reference makes clear that the Gees 2538 are a plurality of indexed rows containing fields 2532, 2534, 2536 containing information relating to a single file 2605 (Ulrich reference, col. 55, lines 65 et seq., FIG. 29). Thus, it is clear that the fields of the Gees 2538 cannot be considered to be an “aggregation of at least some of the user files” which are received “from at least one client station coupled to a data storage subsystem” as required by claim 1.

It is the Examiner’s position that the recited “applying first predetermined criteria to a user file stored in the retrieval storage pool to designate the user file in the retrieval storage pool as one of a higher priority and a lower priority” of claim 1 is met by a description provided in col. 50, lines 16-34 of the Ulrich reference. However, it is respectfully submitted that the Examination citation appears to describe inserting a “new higher capacity disk ... into the array 140 in place of a lower capacity disk.” Thus, it is clear that the Examiner’s citation to the Ulrich reference fails to teach or suggest the recited “applying first predetermined criteria to a user file stored in the retrieval storage pool to designate the user file in the retrieval storage pool as one of a higher priority and a lower priority” as required by claim 1.

It is the Examiner’s position that the recited “deleting from said retrieval storage pool a user file designated as lower priority” of claim 1 is met by a description in the Ulrich reference of an “Intent Log” in which an Intent Log Entry is deleted following execution of an intention to write metadata to a disk on another server node. It is respectfully submitted that that an Intent Log Entry is clearly not a “user file” received “from at least one client station coupled to a data

storage subsystem” as required by claim 1 and as the term “user file” is used in the present specification. The Examiner has cited no portion of the Ulrich reference which in any manner teaches or suggests “deleting from said retrieval storage pool a user file designated as lower priority” wherein the deleted user file was received “from at least one client station coupled to a data storage subsystem” as required by claim 1. Independent claims 14, 27, 40, 50, and 53 may be distinguished in a similar fashion.

The rejection of the dependent claims is improper for the reasons given above. Moreover, the dependent claims include additional limitations, which in combination with the base and intervening claims from which they depend provide still further grounds of patentability over the cited art.

The Examiner has made various comments concerning the anticipation of additional features of the present inventions. Applicants respectfully disagree. Applicants have addressed those comments directly hereinabove or the Examiner’s comments are deemed moot in view of the above response.

**Conclusion**

For all the above reasons, Applicants submit that the pending claims 1-54 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0466.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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